WP(C) 3920/2001

BEFORE

HON’BLE THE CHIEF JUSTICE MR MADAN B LOKUR

HON’BLE MR JUSTICE BP KATAKEY

The grievance of the petitioner (an employee of the Central Administrative Tribunal) is that pursuant to an observation made in the impugned order of the Tribunal to the effect that the petitioner should not be posted in the Guwahati Bench of the Tribunal, he has been transferred to Ahmedabad by an order dated 28-6-2010. It is submitted by learned counsel for the petitioner that the petitioner is due to retire on 31-12-2010.

It is submitted that the transfer is pursuant to the order passed by the Tribunal on 30-4-2010 in OA No.227/2009. In paragraph 12 of the order, it has been held that the continued suspension of the petitioner is contrary to law and is not sustainable and, therefore, the petitioner would be entitled to reinstatement. However, it is observed that the petitioner would not be entitled to reinstatement in the Guwahati Bench of the Tribunal.

Earlier, in paragraph 10 of the order passed by the Tribunal it has been suggested that the petitioner be reinstated in some other Bench of the Tribunal preferably nearby.

It is submitted by learned counsel for the petitioner that transferring the petitioner to Ahmedabad, which is virtually at the other end of the country, and just a couple of months before his retirement, is completely arbitrary. More importantly, it is submitted the conclusion of the Tribunal that the petitioner should be reinstated in some other Bench of the Administrative Tribunal is totally unc alled for.

Issue notice.

Mr N Bora, learned counsel accepts notice on behalf of the respondents and seeks time to obtain instructions.

In the meanwhile, while staying the operation of paragraph 12 (c) of the order of the Tribunal dated 30-4-2010 to the extent that the petitioner should not be reinstated in the Guwahati Bench of the Central Administrative Tribunal, we make it clear that the petitioner will continue to be in the rolls of the Guwahati Bench of the Central Administrative Tribunal but will not be entitled to ask for any work being allotted to him till the next date of hearing.

As a consequence, the petitioner need not report to Ahmedabad.

List on 9-8-2010.